

# STATE OF NORTH CAROLINA

File No.  
Co. Of Hearing

County \_\_\_\_\_ Seat Of Court \_\_\_\_\_

**NOTE:** Use this form for all court-ordered modifications of probation, including changes in conditions, confinement in response to violation under G.S. 15A-1344(d2) or contempt under G.S. 5A-11, and all findings/orders resulting from violation hearings when probation is not revoked completely.

In The General Court Of Justice  
 District  Superior Court Division

## STATE VERSUS

## ORDER ON VIOLATION OF PROBATION OR ON MOTION TO MODIFY (For All Modifications On Or After Dec. 1, 2011)

Name Of Defendant		
Race	Sex	Date Of Birth
Defendant's Drivers License No.		State
Attorney For State		<input type="checkbox"/> Def. Found Not Indigent <input type="checkbox"/> Def. Waived Attorney

Attorney For Defendant	<input type="checkbox"/> Appointed <input type="checkbox"/> Retained	Crt Rptr Initials
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G.S. 15A-1344, -1345

The defendant was placed on probation pursuant to the following Judgment Suspending Sentence:

Date Of Judgment Suspending Sentence	Name Of County And File No. (County Of Original Conviction)
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### This matter is before the Court upon:

- 1. review under G.S. 15A-1342(b) or (d). After reasonable notice to the defendant, the Court  finds  does not find that termination of probation is warranted by the defendant's conduct and the ends of justice.
- 2. motion to modify the defendant's probation without charge of violation. Upon  notice and hearing  consent of the State and the defendant (see signatures on Side Two if modification entered in chambers), the Court  finds  does not find that good cause has been shown to modify the original Judgment Suspending Sentence.
- 3. allegation of violation of the conditions of the defendant's probation.

**Upon due notice of the alleged violation(s) or waiver of such notice, a hearing was held before the Court.** After considering the record in the above-captioned case, the evidence presented, and any statements of the State and the defendant, the Court finds that the defendant admitted or that the Court is reasonably satisfied in the exercise of its discretion that: (check all that apply)

- 1. the defendant violated the condition(s) of probation set forth in  a. Paragraph(s) \_\_\_\_\_ in the Violation Report or Notice of Hearing dated \_\_\_\_\_.  b. Paragraph(s) \_\_\_\_\_ in the Violation Report or Notice of Hearing dated \_\_\_\_\_.  c. the attached sheet. Such violation(s) was willful and without valid excuse and occurred at a time prior to the expiration or termination of the period of the probation.
- 2. the defendant violated the condition(s) of probation set forth in  a. Paragraph(s) \_\_\_\_\_ in the Violation Report or Notice of Hearing dated \_\_\_\_\_,  b. Paragraph(s) \_\_\_\_\_ in the Violation Report or Notice of Hearing dated \_\_\_\_\_,  c. the attached sheet, but said violation(s)  was not willful.  is validly excused.
- 3. the defendant has not violated any of the conditions of the defendant's probation except those found above, if any.
- 4. the defendant is guilty of contempt beyond a reasonable doubt.

## ORDER

It is ORDERED that:

- 1. the original Judgment is modified as set forth below and, except as specifically so modified, shall remain in full force and effect.
- 2. the original Judgment is not modified, but remains in full force and effect.
- 3. the defendant's limited driving privilege is REVOKED; the defendant shall surrender all copies of that privilege to the Clerk of Superior Court for transmittal/notification to the Division of Motor Vehicles.
- 4. the defendant's probation is terminated. **NOTE:** When this option is checked, the "Restitution Update Worksheet, Notice And Findings (Revocation Or Termination Of Probation)," AOC-CR-612, must be completed in every case in which the defendant was ordered, as a condition of probation, to pay restitution in an amount in excess of \$250 to a Victims' Rights Act victim.
- 5. all charges of probation violation in this case, which are not specifically found above, are dismissed.
- 6. the disposition of this matter is continued until \_\_\_\_\_.
- 7. the defendant for willful contempt:
  - a. be imprisoned for \_\_\_\_\_ days in the custody of the sheriff.  as provided in AOC-CR-609, Page Two, attached.
  - b. pay a fine of \$ \_\_\_\_\_.
  - c. Other: \_\_\_\_\_.
- 8. (offenses committed on or after October 31, 1998) the defendant's drivers license is revoked, whether the defendant is present or not. G.S. 143B-708 (**NOTE:** Select this option whenever the Court finds a willful violation of a community service condition of probation. If this option is selected, complete AOC-CR-317, Side One, and notify DMV.)

## MODIFIED MONETARY CONDITIONS

The "Monetary Conditions" in the Judgment Suspending Sentence are modified to read as follows: The defendant shall pay to the Clerk of Superior Court the "Modified Amount Due" shown below, plus the probation supervision fee if placed on supervised probation, pursuant to a schedule  determined by the probation officer.  set out by the court as follows: \_\_\_\_\_

Balance/Obligation Due*	Arrearage/Probation Fee	Atty's Fee This Proceeding	Comm Serv Fee	EHA Fee	SBM Fee	Appt Fee/Misc	Modified Amount Due
\$	\$	\$	\$	\$	\$	\$	\$

\*Equals "Total Amount Due" as shown on original Judgment, less all payments made to date.

- The Court finds just cause to waive costs, as ordered on the attached  AOC-CR-618.  Other: \_\_\_\_\_.

Material opposite unmarked squares is to be disregarded as surplusage.  
(Over)

## OTHER MODIFICATIONS OF PROBATION

1. The defendant's term of probation is extended for a period of \_\_\_\_\_
- a. for good cause shown, pursuant to G.S. 15A-1344(d). (**NOTE:** *The total of the original period of probation plus all extensions under G.S. 15A-1344(d) may not exceed five years.*)
- b. with the defendant's consent, pursuant to G.S. 15A-1342(a) or G.S. 15A-1343.2(d). (**NOTE:** *The extension must be for the purpose of allowing the defendant to complete a program of restitution or continue medical or psychiatric treatment ordered as a condition of probation. The extension may be ordered only during the last six months of the original, unextended period of probation and may not exceed three years beyond the original period of probation.*)
2. The defendant's assignment to intensive supervision is terminated and the defendant is continued on supervised probation.
3. The defendant is transferred to  unsupervised  supervised probation.
4. The defendant is allowed until \_\_\_\_\_ to comply with the following condition(s): \_\_\_\_\_
5. The special conditions of probation identified below, as numbered and set out in the Judgment Suspending Sentence, are modified as follows: (*State number of each condition to be modified and set out modification.*)
6. The defendant shall also comply with the following additional special conditions of probation which the Court finds are related to the defendant's rehabilitation:
- complete \_\_\_\_\_ hours of community service during the first \_\_\_\_\_ days after entry of this Order, as directed by the judicial services coordinator. The fee prescribed by G.S. 143B-708 is  (for offenses committed on or after December 1, 2009) not assessed because it was assessed in the original Judgment or in a case adjudicated during the same term of court.
- to be paid  pursuant to the schedule set out under Modified Monetary Conditions on Side One  within \_\_\_\_\_ days of this Order and before beginning service.
- (for offenses committed on or after December 1, 2012) Abstain from alcohol consumption and submit to continuous alcohol monitoring for a period of \_\_\_\_\_  days,  months, the Court having found that a substance abuse assessment has identified defendant's alcohol dependency or chronic abuse.
- Other: (*set out conditions*) \_\_\_\_\_
7. (*not valid for impaired driving probation*) The Court previously
- a. withheld delegated authority under G.S. 15A-1343.2(e) or (f) but grants it by this Order.
- b. did not withhold delegated authority under G.S. 15A-1343.2(e) or (f) but now finds that it is NOT appropriate to delegate such authority to the Section of Community Corrections.
8. The sentence of intermediate punishment is modified, (or) pursuant to G.S. 15A-1344(a), the previous sentence of community punishment is modified, as follows: comply with the conditions of intermediate punishment set forth on the attached AOC-CR-609, Page Two, Side One.
9. (*not valid for impaired driving probation*) The sentence is modified as follows: comply with the additional community and intermediate probation conditions set forth on the attached AOC-CR-609, Page Two, Side Two.
10. As a result of the willful violation of probation, the defendant shall be incarcerated for the period of confinement in response to violation imposed on the attached AOC-CR-609, Page Two, Side Two. G.S. 15A-1344(d2). (**NOTE:** *For violations occurring on or after Dec. 1, 2011, only.*)
11. The defendant shall register as a sex offender and enroll in satellite-based monitoring if required on the attached AOC-CR-615, Side Two. G.S. 15A-1344(e2). (**NOTE:** *Order only if extending probation and defendant was not previously ordered to register/enroll as a condition of probation.*)

## ORDER OF COMMITMENT/APPEAL ENTRIES

- It is ORDERED that the Clerk deliver **two** certified copies of this Order and Commitment to the sheriff or other qualified officer and that the officer cause the defendant to be delivered with these copies to the custody of the agency named on the reverse to serve the sentence imposed or until the defendant shall have complied with the conditions of release pending appeal.
- The defendant gives notice of appeal from the Judgment of the District Court to the Superior Court.
- NOTE:** *For probation violations occurring on or after Dec. 1, 2013, G.S. 15A-1347(b) provides: "If a defendant waives a revocation hearing [in district court], the finding of a violation of probation, activation of sentence, or imposition of special probation may not be appealed to the superior court."*
- The current pretrial release order is modified as follows: \_\_\_\_\_
- The defendant gives notice of appeal from the Judgment of the Superior Court to the Appellate Division. Appeal entries and any conditions of post-conviction release are set forth on form AOC-CR-350.

## SIGNATURE OF JUDGE

Date	Name Of Presiding Judge (type or print)	Signature Of Presiding Judge
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## CERTIFICATION

- I certify that this Order with the attachment(s) marked below is a true and complete copy of the original which is on file in this case.
- Order On Violation Of Probation Or On Motion To Modify (AOC-CR-609, Page Two)  Judicial Findings And Order For Sex Offenders - Suspended Sentence (AOC-CR-615, Side Two)
- Restitution Update Worksheet, Notice And Findings (Revocation Or Termination Of Probation) (AOC-CR-612)  Other: \_\_\_\_\_

Date	Date Certified Copies Delivered To Sheriff	Signature Of Clerk	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Asst. CSC <input type="checkbox"/> Clerk Of Superior Court
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**SEAL**

**(NOTE:** *Defendant signs the following statement in all cases of supervised probation unless probation is terminated or not modified. A witness should sign at the same time as the defendant. For in-chambers consent modifications, defendant and prosecutor must sign prior to entry of the Order.*)

I have received a copy of this Order (*check one*)  before its entry,  after a hearing, and I agree to the modification(s) of my probation set out in it. I understand that no person who supervises me or for whom I work while performing community service is liable to me for any loss or damage which I may sustain unless my injury is caused by that person's gross negligence or intentional wrongdoing. I understand that my probation may be extended pursuant to G.S. 15A-1344(d), 15A-1342(a), or 15A-1343.2(d).

Date	Signature Of Defendant	Signature Of Prosecutor	Signature Of Witness
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**NOTE TO CLERK:** Send certified copies to the Clerk of Superior Court of county of original conviction, if different.

Name Of Defendant

## INTERMEDIATE PUNISHMENTS - CONTEMPT

**NOTE:** Use this page in conjunction with **AOC-CR-609**, "Order On Violation Of Probation Or On Motion To Modify"; **AOC-CR-634**, "Disposition/Modification Of Deferred Prosecution"; and **AOC-CR-635**, "Disposition/Modification Of Conditional Discharge."

In addition to complying with the regular and any special, community, or intermediate conditions of probation set forth in the "Judgment Suspending Sentence" or herein for the above case(s), the defendant shall also comply with the following intermediate punishment(s) under G.S. 15A-1340.11(6):

**1. Special Probation - G.S. 15A-1344(e)**       **Contempt - G.S. 15A-1344(e1) and 5A-11(a)**

For the defendant's active sentence as a condition of special probation, the defendant shall comply with these additional regular conditions of probation:

(1) Obey the rules and regulations of the Division of Adult Correction and Juvenile Justice governing the conduct of inmates while imprisoned. (2) Report to a probation officer in the State of North Carolina within seventy-two (72) hours of the defendant's discharge from the active term of imprisonment.

A. Serve an active term of \_\_\_\_\_  days  months  hours in the custody of the

N.C. DACJJ.  Sheriff of this County.  Other: \_\_\_\_\_

B. The defendant shall report in a sober condition to begin serving his/her term on:

Day	Date	Hour	<input type="checkbox"/> AM <input type="checkbox"/> PM
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and shall remain in custody until:

Day	Date	Hour	<input type="checkbox"/> AM <input type="checkbox"/> PM
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C. The defendant shall again report in a sober condition to continue serving this term on the same day of the week for the next \_\_\_\_\_ consecutive weeks, and shall remain in custody during the same hours each week until completion of the active sentence ordered.

D. This sentence shall be served at the direction of the probation officer within \_\_\_\_\_  days  months of this judgment.

E. Pay jail fees.  F. Work release is recommended.  G. Substance abuse treatment is recommended.

H. Other:

**2. Residential Program - G.S. 15A-1340.11(8); 15A-1343(b1)(2)** (for offenses committed before Dec. 1, 2011, only)

Attend or reside in \_\_\_\_\_ (name program) residential program for a period of \_\_\_\_\_  days,  months, and abide by all rules and after care regulations of that program.

Other:

**3. House Arrest With Electronic Monitoring - G.S. 15A-1340.11(4a); 15A-1343(b1)(3c)** (for offenses committed before Dec. 1, 2011, only)

Be assigned to house arrest and electronic monitoring and remain at the defendant's residence for a period of \_\_\_\_\_  days,  months, abide by all rules, regulations and directions of the probation officer regarding such monitoring, and pay the fees prescribed in G.S. 15A-1343(c2) as provided under Modified Monetary Conditions. The defendant may leave the residence for the following purpose(s) and as otherwise permitted by the defendant's probation officer:  employment  counseling  a course of study  vocational training.

Other:

**4. Intensive Supervision - G.S. 15A-1340.11(5); 15A-1343(b1)(3b); 143B-704(c)** (for offenses committed before Dec. 1, 2011, only)

Submit to intensive supervision pursuant to G.S. 143B-704(c), for a period of \_\_\_\_\_ months (6 to 9 months recommended by the Section of Community Corrections), and comply with the rules adopted for such supervision by the Section of Community Corrections.

Other:

**5. Day Reporting Center - G.S. 15A-1340.11(3); 15A-1343(b1)(10); 15A-1340.11(6)** (for offenses committed before Dec. 1, 2011, only)

Report as directed by the probation officer to the Day Reporting Center for a period of \_\_\_\_\_  days,  months, and abide by all rules and regulations of that program.

Other:

**6. Drug Treatment Court - G.S. 15A-1340.11(3a); 15A-1340.11(6)**

Comply with the rules adopted for the program as provided for in Article 62 of Chapter 7A of the General Statutes and report on a regular basis for a specified time to participate in court supervision, drug screening or testing, and drug or alcohol treatment programs.

Other:

## INTERMEDIATE CONDITIONS OF PROBATION - G.S. 15A-1343(b4)

**NOTE:** These conditions apply only to persons on intermediate punishment for offenses committed on or after December 1, 2009.

If subject to intermediate punishment, the defendant shall, in addition to the terms and conditions imposed above, comply with the following intermediate conditions of probation:

(1) If required by the defendant's probation officer, perform community service under the supervision of the Section of Community Corrections, and pay the fee required by G.S. 143B-708, but no fee shall be due if the Court imposed community service as a special condition of probation and assessed the fee in this judgment or any judgment for an offense adjudicated in the same term of court. (2) Not use, possess, or control alcohol. (3) Remain within the defendant's county of residence unless granted written permission to leave by the court or the defendant's probation officer. (4) Participate in any evaluation, counseling, treatment, or education program as directed by the probation officer, keeping all appointments and abiding by the rules, regulations, and direction of each program.

Material opposite unmarked squares is to be disregarded as surplusage.

(Over)

**COMMUNITY AND INTERMEDIATE PROBATION CONDITIONS - G.S. 15A-1343(a1)**

**NOTE:** The conditions in this section may not be imposed for offenses committed before Dec. 1, 2011, or for defendants placed on probation for a sentence under G.S. 20-179. In addition to complying with the regular and any special conditions of probation set forth in the "Judgment Suspending Sentence" entered in the case(s) listed on the reverse, the defendant shall also comply with the following conditions of probation, which may be imposed for any community or intermediate punishment:

- 1. Submit to house arrest with electronic monitoring, remain at the defendant's residence for a period of \_\_\_\_\_  days,  months, abide by all rules, regulations, and directions of the probation officer regarding such monitoring, and pay the fees prescribed in G.S. 15A-1343(c2) as provided under Modified Monetary Conditions. The defendant may leave the residence for the following purpose(s) and as otherwise permitted by the probation officer:  employment  counseling  a course of study  vocational training.  
Other: \_\_\_\_\_
- 2. Complete \_\_\_\_\_ hours of community service during the first \_\_\_\_\_ days after entry of this Order, as directed by the judicial services coordinator. The fee prescribed by G.S. 143B-708 is  
 not due because it is assessed in a case adjudicated during the same term of court.  
 to be paid  pursuant to the schedule set out under Monetary Conditions in the "Judgment Suspending Sentence."  within \_\_\_\_\_ days of this Judgment and before beginning service.  
Other: \_\_\_\_\_

- 3. Submit to the following period(s) of confinement in the custody of the  Sheriff of this County.  \_\_\_\_\_ (other local confinement facility).  and pay jail fees. The defendant shall report in a sober condition to serve the term(s) indicated below.

**NOTE:** Periods of confinement imposed here must be for two-day or three-day consecutive periods, only, for no more than six days in a single month, and in no more than three separate months during the period of probation. To impose special probation under G.S. 15A-1344(e), see INTERMEDIATE PUNISHMENTS, on the reverse.

Date	Hour	<input type="checkbox"/> AM <input type="checkbox"/> PM	for	<input type="checkbox"/> 2 days <input type="checkbox"/> 3 days	Date	Hour	<input type="checkbox"/> AM <input type="checkbox"/> PM	for	<input type="checkbox"/> 2 days <input type="checkbox"/> 3 days	Date	Hour	<input type="checkbox"/> AM <input type="checkbox"/> PM	for	<input type="checkbox"/> 2 days <input type="checkbox"/> 3 days
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- 4. Obtain a substance abuse assessment, monitoring, or treatment as follows: \_\_\_\_\_
- 5. (for offenses committed on or after December 1, 2012) Abstain from alcohol consumption and submit to continuous alcohol monitoring for a period of \_\_\_\_\_  days,  months, the Court having found that a substance abuse assessment has identified defendant's alcohol dependency or chronic abuse.
- 6. Participate in an educational or vocational skills development program as follows: \_\_\_\_\_
- 7. Submit to satellite-based monitoring, if required on the attached AOC-CR-615, Side Two.

**CONFINEMENT IN RESPONSE TO VIOLATION (CRV) - G.S. 15A-1344(d2)**

**NOTE:** Confinement under this section may be imposed only upon finding of violation of probation when the violation(s) occurred on or after December 1, 2011. Any period of confinement imposed under this section shall run concurrently with any period(s) of confinement imposed in other cases in response to the same violation. Confinement under Nos. 1.a., 1.b., or 1.d. may NOT be ordered if the defendant has previously received two periods of confinement under G.S. 15A-1344(d2). Confinement under this section may not be ordered at all for defendants on probation pursuant to deferred prosecution or conditional discharge.

In accord with the Court's Other Modification Of Probation No. 10 on AOC-CR-609, Page One, Side Two, the Court ORDERS:

- 1. The defendant shall be confined for:

**NOTE TO COURT:** If imposing confinement for felony probation and more than 90 days remain on the defendant's maximum imposed sentence, select No. a. If 90 days or fewer remain on the maximum imposed sentence for a felony, No. d. must be selected, imposing the entire remainder of the sentence. If imposing confinement for a defendant on probation for a non-Structured Sentencing misdemeanor or a defendant placed on probation before Dec. 1, 2015, for a Structured Sentencing (SSA) misdemeanor, the duration of confinement is within the court's discretion (up to 90 days or the remainder of the suspended sentence, whichever is less): select No. b. if imposing confinement for less than the remainder of the sentence; select No. d. if the confinement is equal to the remaining sentence. If imposing confinement for a defendant placed on probation on or after Dec. 1, 2015, for an SSA misdemeanor select No. c.

- a. 90 days, for felony probation.
- b. \_\_\_\_\_ days, for misdemeanor probation (impose only for non-SSA misdemeanor or if placed on probation before Dec. 1, 2015, for SSA misdemeanor).
- c. the period(s) specified in Community And Intermediate Probation Conditions No. 3, above (impose only if placed on probation for SSA misdemeanor on or after Dec. 1, 2015).
- d. (balance of remaining sentence) \_\_\_\_\_ days, the period remaining to be served of the defendant's suspended sentence. Upon completion of this period of incarceration, defendant's probation is terminated.

**NOTE:** AOC-CR-612 must be completed in EVERY CASE in which the defendant was ordered in the original Judgment Suspending Sentence, as a condition of probation, to pay restitution in an amount in excess of \$250 to a Victims' Rights Act (VRA) victim. For a restitution award previously docketed for a VRA victim, the clerk may not begin the accrual of interest or issue a writ of execution until AOC-CR-612 is complete and probation terminates on the date specified in No. d.

- 2. The period of confinement imposed above shall be served in the custody of the:

N.C. DACJJ.  Sheriff of \_\_\_\_\_ County.  Misdemeanant Confinement Program.  Other: \_\_\_\_\_

**NOTE:** A felony CRV for a probation violation occurring before Oct. 1, 2014, and all non-felony CRVs (regardless of violation date) must be served with the custodian named in the Judgment Suspending Sentence. A felony CRV for a violation occurring on or after Oct. 1, 2014, must be served in DACJJ.

- 3. The defendant shall be given credit for \_\_\_\_\_ days confined as a result of the violation and prior to the date of this Order. Any credit found here and not applied by No. 4 to the confinement imposed in No. 1 shall be applied to the remainder of defendant's sentence, if activated.
- 4. Of the credit found in No. 3, \_\_\_\_\_ days shall be applied to the period of confinement imposed in No. 1.  
**NOTE:** A felony CRV imposed for a probation violation occurring on or after Oct. 1, 2014, may not be reduced by credit for time already served in the case.
- 5. Other: \_\_\_\_\_

Date	Name Of Presiding Judge (type or print)	Signature Of Presiding Judge
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Material opposite unmarked squares is to be disregarded as surplusage.